

STATE OF CALIFORNIA

Energy Resources Conservation
And Development Commission

In the Matter of:)
)
Application for Certification for the)
CPV Sentinel Energy Project)
by the CPV Sentinel, L.L.C.)

Docket No. 07-AFC-3

October 14, 2008

Staff's Prehearing Conference Statement

The October 1, 2008 Revised Notice of Prehearing Conference and Notice of Evidentiary Hearing issued by the Committee overseeing the application for certification for the CPV Sentinel Energy Project identified a date of October 14th for the filing of Prehearing Conference Statements. This is staff's Prehearing Conference Statement.

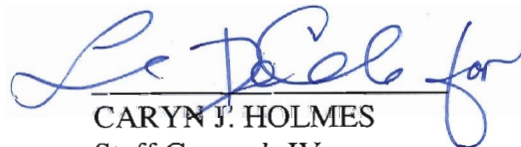
- 1) Complete Topic Areas: All topic areas are complete and ready to proceed to evidentiary hearings with the exception of Air Quality. Staff recommends that the topic of Air Quality in its entirety be addressed at a subsequent hearing, once sufficient emission reductions credits for the project are identified.
- 2) Incomplete Topic Areas: Air Quality is not ready to proceed to hearing because the applicant has not yet identified sufficient emission reduction credits to offset the project's emissions of Oxides of Sulfur, Volatile Organic Compounds, Particulate Matter less than 10 microns, and Particulate Matter less than 2.5 microns.
- 3) Disputed Areas: Although staff has not yet seen the applicant's testimony, we believe that the topics of Soil and Water Resources and Biological Resources may require adjudication.
- 4) Identity of witnesses, topic areas, testimony summaries, and time requirements: The staff witnesses sponsoring testimony, a summary of that testimony, and the qualifications of those witnesses are presented in the Final Staff Assessment, filed October 10, 2008. Staff plans to present direct testimony in Soil and Water Resources, and Biological Resources. Each topic will require 15 minutes of direct testimony. Staff reserves the right to request direct testimony in other areas, if the comments provided at the Prehearing Conference indicate that such testimony is warranted.

In addition, staff notes that Jon Avery of the United States Fish and Wildlife Service may participate in the hearing to discuss the potential impacts of the project's use of groundwater on the habitat used by federally endangered species and the effectiveness of the mitigation proposed by staff to address those potential impacts.

- 5) Cross examination estimates: Although other parties have not yet filed testimony, staff believes that it will likely not need to conduct cross examination of any witnesses. In the areas of Soil and Water Resources and Biological Resources, staff is prepared to rely solely on its pre-filed testimony. However, staff reserves the right to request cross-examination, if the comments provided at the Prehearing Conference, or review of the applicant's testimony, indicate that such cross-examination is warranted.
- 6) Exhibit list: Staff proposes to identify the Final Staff Assessment as Exhibit 200. The FSA addresses all technical areas associated with staff's review of the project. The declarations of all staff who prepared the FSA are included in that document.
- 7) Schedule proposal: Staff proposes that opening briefs be filed five days after the transcripts become available, and that reply briefs be filed five business days after the opening briefs are filed. Briefs on Air Quality should be filed after hearings on that topic.
- 8) Conditions of Certification: With the exception of Air Quality, staff believes that the Conditions of Certification identified in the Final Staff Assessment are complete, enforceable, and consistent with the evidence that will be presented at hearings.

Date: October 14, 2008

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Le Del for", is written over a horizontal line.

CARYN J. HOLMES

Staff Counsel IV

California Energy Commission

1516 9th St., MS-14

Sacramento, CA

Ph: (916) 654-4178

E-mail: cholmes@energy.state.ca.us